

**A SUBSTITUTE ORDINANCE**

**02-O-2128**

**BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO EXCHANGE CERTAIN AREAS OF EXISTING RIGHT-OF-WAY AND ACCEPT THE DEDICATION OF REPLACEMENT RIGHT-OF-WAY ON EAST LAKE BOULEVARD, S.E. BETWEEN LAKESIDE VILLAGE DRIVE AND MEMORIAL DRIVE NECESSITATED BY THE REALIGNMENT OF SAID ROADWAY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the East Lake Community Foundation, Inc. is the owner of properties abutting both sides of East Lake Boulevard, S.E. between Lakeside Village Drive and Memorial Drive; and

**WHEREAS**, the East Lake Community Foundation, Inc. as part of their building permit to construct the Drew Charter School and YMCA located at 409 East Lake Boulevard, S.E. proposed to re-align and improve East Lake Boulevard across the permitted project frontage; and

**WHEREAS**, the City of Atlanta agreed to the proposed roadway improvements and jointly participated in the construction activities; and

**WHEREAS**, the re-alignment of the roadway required an adjustment of the existing right-of-way limits to accommodate the improved vertical and horizontal curvatures with said right-of-way adjustment given and received being functionally equal in areas; and

**WHEREAS**, the completed roadway project has greatly upgraded safety considerations such as sight distance improvements and stopping distances through reduced roadway slopes as well as a major esthetic enhancement to the area; and

**WHEREAS**, the East Lake Community Foundation, Inc. has requested an exchange of land to reflect the current alignment of the completed roadway, and has prepared an appropriate right-of-way abandonment and dedication exchange plat (Exhibit "A") with accompanying legal descriptions (Exhibit "B") for the properties under consideration; and

**WHEREAS**, the City of Atlanta has determined it is in the best interest of the public to accept an even exchange of the right-of-way as depicted on Exhibits "A" and "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**SECTION 1:** That the East Lake Community Foundation, Inc. being the property owner has petitioned the City for the exchange of private property an area of 0.200 acre (approximately 8,712 square feet - the total areas of existing right-of-way parcels 1, 2, and 3 as shown on Exhibit "A") abutting East Lake Boulevard as described in the attached Legal Descriptions "1-3" and as shown on the attached plan

prepared by William H. Kelly of Planners and Engineers Collaborative, dated July 30, 2002 to the City of Atlanta.

**SECTION 2:** That the City of Atlanta, being the owner property an area of 0.209 acre (approximately 9,104 square feet - the total areas of existing right-of-way parcels 1, 2, and 3 as shown on Exhibit "A") abutting East Lake Boulevard as described in the attached Legal Descriptions "1-3" and as shown on the attached plan prepared by William H. Kelly of Planners and Engineers Collaborative, dated July 30, 2002 shall exchange such property for that indicated as a dedication in Exhibit "A".

**SECTION 3:** That no payment be necessary to the City of Atlanta for this transaction given that the land exchanged by the East Lake Community Foundation, Inc. (approximately 8,712 square feet) and the City (approximately 9,104 square feet) are relatively the same as well as the new road construction and the upgraded safety consideration.

**SECTION 4:** That the City Attorney is authorized to prepare warranty deeds on behalf of the City of Atlanta to accomplish this ordinance.

# COMMITTEE AMENDMENT FORM

DATE: 12/11/02

COMMITTEE CITY UTILITIES

PAGE NUM. (S)1 & 2

ORDINANCE I. D. #02-O-2128

SECTION (S)1 & 2

RESOLUTION I. D. #02-R-

PARA. CAPTION, 6 & 7

AMENDS THE LEGISLATION BY DELETING THE WORD  
“ABANDON(S)/ABANODNMENT” WHEREVER IT APPEARS IN THE  
LEGISLATION.

REWRITE THE ORDINANCE TO REFLECT THIS CHANGE.

AMENDMENT DONE BY COUNCIL STAFF 12/11/02.